

Amendment under 37 CFR 1.114  
Serial No. 10/540,935  
Attorney Docket No. 052497

**REMARKS**

Claims 2-5 and 7-10 are pending in the present application and are rejected. Claims 2 and 7 are herein amended.

**Applicant's Response to Claim Rejections under 35 U.S.C. §102**

**Claims 2, 3, 7 and 8 were rejected under 35 U.S.C. §102 as being anticipated by Starling (U.S. Patent No. 3,480,296<sup>1</sup>).**

It is the position of the Office Action that Starling discloses the invention as claimed. In the Advisory Action dated November 29, 2006, it is indicated that the phrase “said first article and said second article are attached to form a rotatable body, which rotates about said axis of rotation” does not require that both the first and second articles be part of the rotatable body. Although Applicant contests this broad interpretation, Applicants herein amend the claims in order to clarify that the first and second articles cumulatively form the rotatable body, and this rotatable body rotates about the axis of rotation. Please see amended claims 2 and 7. Applicant respectfully submits that accordingly, the claims as amended are not anticipated by Starling for at least the reasons discussed below.

Starling is directed at a trailer hitch 10 which may be hidden in a bumper 11. The trailer hitch includes retractable drawbar 30 which is “formed of a heavy gauge steel channular member which, as best shown in FIGS. 4 and 6, is U-shaped in cross-section.” Column 2, lines 36-38.

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The retractable drawbar 30 is disposed within a recess 22 of the bumper 11, which is formed with an arcuate wall 20. In order to attach the retractable drawbar 30 to the bumper 11, a pivot bolt 51 is passed through corresponding bores in the bumper 11. The retractable drawbar 30 may then rotate to hide or show the drawbar. In order to fix the drawbar in either an open or closed position, a locking pin 55 is inserted in bore 49 on the end 47 of the drawbar 30, and passed through the corresponding bores in the bumper 11.

The Office Action broadly interprets the trailer hitch as being an article which is configured to protect an exterior portion of the automobile body, even though this is limited to a small portion of the bumper. The Office Action interprets the retractable drawbar 30 to be a first article, and the arcuate wall 20 of the bumper 11 to be a second article. The Examiner further states that arcuate wall 20 surrounds pivot bolt 51, regarded as an axis of rotation.

In response, Applicant respectfully notes that amended claims 2 and 7 recite “a rotatable body comprising a first article and a second article.” In other words, a rotatable body is comprised of the first and second articles, and this rotatable body rotates about the axis of rotation. As illustrated in the Figures, article 1 and article 2 form a rotatable body, which rotates about rotary shaft 3.

On the other hand, in Starling, it is only the retractable drawbar 30 which rotates. Arcuate wall 20 is a fixed element of bumper 11, and does not rotate about an axis. In other words, retractable drawbar 30 and arcuate wall 20 of bumper 11 are not “attached to form a rotatable body, which rotates about said axis of rotation.” It is only retractable drawbar 30 which

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<sup>1</sup> Applicant notes that the Final Office Action erroneously lists Starling as U.S. Patent No. 3,480,293. It is presumed

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rotates about pivot pin 51, while arcuate wall 20 remains immobile. Thus, Applicants respectfully submit that Starling does not disclose or suggest a “second article” as claimed. Therefore, Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested.

**Applicant’s Response to Claim Rejections under 35 U.S.C. §103**

**Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Starling.**

It is the position of the Office Action that Starling discloses the invention as claimed, with the exception of a switch, either remote or inside the vehicle, which is operative to activate electric power to rotate the rotating body between the first and second position. The Office Action relies on Official Notice to provide this teaching. The Office Action notes that the taking of Official Notice is taken as admitted prior art since it was not challenged in the response to the previous Office Action.

In response, Applicant respectfully submits that while remote switches, switches inside vehicles, and electric motors for rotating objects are known in the art, it would not have been obvious to modify Starling by providing for these features. In particular, Starling discloses that operation of the trailer hitch requires that a locking pin 55 be *physically removed*, then the retractable drawbar 30 must be rotated, and finally the locking pin 55 be *physically reinserted*. See column 3, lines 32-47.

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that the Final Office Action intends to refer to U.S. Patent No. 3,480,296.

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Applicant respectfully submits that it would not have been obvious to modify Starling by including a remote or interior switch and electric motors. Starling discloses the manual removal and insertion of a locking pin, and the physical rotation of the retractable drawbar 30. Based on the disclosed design of Starling, it would not have been possible to provide for removal and insertion of the locking pins using an electric motor and a switch without a substantial redesign of the hitch of Starling. There is no suggestion or motivation in the art for such a modification.

In the Advisory Action dated November 29, 2006, it is stated that the locking pin could be used as an additional safety device and that “[t]he rotation of the hitch could still be accomplished by simply removing the pin prior to rotation.” In response, Applicant further submits that there is no suggestion or motivation to provide for a system in which a switch is used to rotate the retractable drawbar 30 of Starling, with the locking pin being removed and replaced before and after rotation, for safety purposes. If a user must physically remove the locking pin before and after rotation, the user would be located directly at the position of the retractable drawbar. Being that the retractable drawbar is a lightweight, small, and easily movable object; the user would simply rotate the drawbar manually. A remote or interior switch for rotation would be theoretically be useful so that the user may conveniently rotate the drawbar without having to walk to the location of the drawbar and performing the rotation. However, since the user must walk to the location of the drawbar and physically remove or replace the locking pin, the suggested remote switch would be unnecessary and superfluous. Therefore, Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested.

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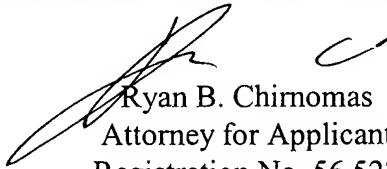
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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